

FLORIDA  
DEPARTMENT of  
CORRECTIONS

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Governor  
LAWTON CHILES

Secretary  
HARRY K. SINGLETARY, JR.

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July 18, 1994

The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

Dear Chairman Hundt:

Re: CC Docket No. 92-77, Phase II

The Florida Department of Corrections is on record with the Federal Communications Commission as supporting Billed Party Preference (BPP) but opposing its application to the correctional environment.

We certainly support the Commission's efforts at implementing and considering rules which target benefits to the general consumer. Given that there is a significant benefit to providing telephone calling services to our inmates, one of our primary concerns in the area of consumer protection is members of the public who DO NOT want to receive any calls from an inmate(s). Equally important to us is to protect the family and loved ones of inmates in our custody from being charged exorbitant rates for those calls. We address both of these concerns.

Being able to guarantee long distance traffic to a provider allows the department to require that provider to include special features which protect the unsuspecting public from getting unwanted calls from inmates. Some of those features and their essential benefit to controlling inmate calls are as follows:

- Call branding - all of our systems employ automated operators and all calls are "branded" as coming from a state of Florida correctional facility. That branding allows the called party, which has no loved one incarcerated and therefore is not interested in accepting a call from an inmate, to terminate the call without incurring any charges;
- 3-way call detection/disconnect - this feature precludes inmates from using an intermediary to transfer the 0+, branded call to a third party as a direct, unbranded call. Inmates use 3-way calling to harass innocent individuals, witnesses, prosecutors, and even

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judges or to commit credit call fraud because the third party has no way of knowing the call is coming from a correctional facility.

- PIN system - involves the assignment of unique personal identification numbers (PINs) to inmates and the implementation of an approved/validated list of numbers each inmate can call. This feature provides maximum control of inmate calls because the called parties can actually be contacted to determine whether they want to accept collect calls from the specific inmate. This feature is also invaluable in investigations relating to inside/outside criminal activities or escape plans. Validating and inputting approved numbers for 50,000+ inmates is obviously a very labor-intensive effort. Currently we have five institutions employing a PIN-system and the long distance carrier provides an "on-site administrator," at no cost to the department, to manage the PIN-system.

The department maintains its inmate phone system at no cost to the taxpayers of the state of Florida. There is no cost for equipment, no cost for local line charges, no cost for maintenance, and no cost for managing the system, including what would be substantial costs to administer the PIN-system. We can demand these services of our contracted providers only because we can guarantee them the call traffic.

In the Commission's "Further Notice of Proposed Rulemaking" dated June 6, 1994, regarding CC Docket No. 92-77, you speak to three principal benefits to the consumer should the Commission adopt BPP. We agree with and support those benefits to the general public upon passage of BPP, but we contend that none of those benefits accrue to any consumer involved in calls emanating from correctional facilities. Those benefits, as listed in Section III. 9. on Page 9 of the Notice, and our rebuttal follow:

1. Facilitate access to the telephone network by simplifying calling card, collect, and third party billed calling.  
Our inmates do not have to dial any access numbers, except in the case of those facilities with a PIN-system where they have to dial their identification number. All calls are PIC coded to the contract carrier.
2. Allow OSPs to refocus their competitive energies to end users by precluding their need to pay commissions.  
Our providers cannot charge exorbitant rates to cover the cost of paying commissions to the department. We require

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a dominant carrier rate ceiling so calls emanating from our facilities can cost no more than those made by the general public for a 0+ call. We feel the ability of OSPs to pay us a commission is more a product of the tremendous traffic we guarantee which allows them to cut their percentage of profit. In other words, an OSP which knows it will have a certain high volume of traffic can provide commissions and make less per call but still make a profit.

3. Enable some AT&T competitors to effectively compete for customers who prefer not to use access codes.

This must be the "MCI" benefit. Again, as we stated in 1. above, any benefit derived from BPP which addresses access codes or simplifying the selection of the preferred interexchange carrier is not an issue in the correctional environment.

In closing, we would like to impress upon the Commission the impact of BPP on our inmate calling system. It would put us out of the business. We are not obliged by law to provide extensive calling services to inmates. We do so as a service to the families and friends of the inmates and any privilege we are able to provide to inmates--or take away from them--greatly facilitates our ability to maintain order. It is essential that the department be able to maintain institutional control over inmate phone service. The application of BPP to the Florida Correctional System will eliminate the department's institutional control and will lead to fraud and abuse by inmates in the form of unsolicited as well as abusive calls to innocent parties. The Commission's motivation of benefitting consumers by applying BPP to the correctional environment will actually lead to injury to consumers and increased complaints to the Commission.

The department's only alternative will be to eliminate inmate telephone services. This action will be necessitated if BPP is applied to the correctional system because of the resultant loss of institutional control. The taxpayers of this state will not pay the estimated \$10 million a year for the inmate calling system we currently receive free. The elimination of inmate telephone service will in turn lead to the deprivation of innocent inmate families of their ability to communicate with their incarcerated loved ones other than by mail.

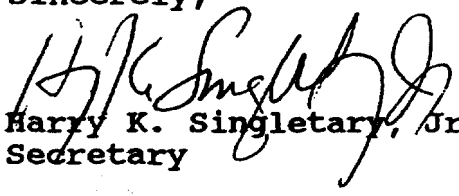
We implore you to pass BPP with an exemption for correctional facilities funded by federal, state, or local tax dollars. The Federal Communications Commission and most assuredly the Florida Public Service Commission will be inundated with complaints from

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the family and friends who will no longer be able to receive frequent phone calls from our inmates because, with BPP, we've been forced to cancel our contracts and remove the phones.

Your consideration is appreciated.

Sincerely,



Harry K. Singletary, Jr.  
Secretary

HKSJr/MJ/cjb